

Serial No. 10/525,123

Atty. Doc. No. 2002P06371WOUS

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REMARKS

Claims 12, 18, 25-27, 31, 32-35, 38 and 39 have been amended. Claims 10 and 14 have been cancelled. New claims 40-43 have been added. Thus, claims 12, 18, 25-27, 30-43 are presented for examination. Applicants respectfully request allowance of the present application in view of the foregoing amendments and the following remarks.

Response to Objections to the Abstract:

Applicants have amended the Abstract to remove the word "invention" as suggested by the Examiner. Therefore, Applicants respectfully requests for the Examiner to withdraw the Objections to the Abstract. A clean copy of the Abstract is provided herewith.

Response to Objections to the Title:

The Examiner objects to the title as being not descriptive. Applicants have amended the title to METHOD FOR PROVIDING RESOURCES FROM A FIRST COMPONENT TO A SECOND COMPONENT IN A COMMUNICATION NETWORK, which is clearly indicative of the invention to which the claims are directed. Therefore, Applicants respectfully requests for the Examiner to withdraw the Objections to the Title.

Request for Allowance for Claims 18, 12, 25-27, 30, and 31:

In the Final Office Action the Examiner indicated that claim 18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has rewritten claim 18 in independent form to include all the limitations of the base claim and the intervening claims.

In view of the amendments to claims 18, Applicants submit that claim 18 is allowable. Dependent claims 12, 25-27, 30 and 31 are also patentable at least from their dependency from claim 18 as well as based on their own merit.

Response to Rejections Under Section 103:

Claims 10, 12, 14, 31-39 stand rejected under 35 U.S.C. 103(a) the Examiner contending that these claims are obvious over Baratti et al (GB 2,346,989) in view of Okamoto US 2002/0143801.

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Claim 32:

Claim 32 recites:

***"initiating a search* for a communication component that provides the service, the *communication component provides the service by running the software*, the search initiated by a second communication component that *does not include* the software to provide the service"**

The Examiner has not identified this limitation in Okomoto or Baratti. MPEP 2143.01 states,

To establish a prima facie case of obviousness three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) ***must teach or suggest all of the claim limitations.***

Therefore, since the Examiner has not established a prima facie case of obviousness, the rejection must fail.

Moreover, it would not be obvious to modify Okomoto to search for, let alone ***initiate a search*** for, a communication component that provides the service. In fact, there is no reason for Okomoto to search because each of the communication components (local and remote nodes) in Okomoto's network include the software. Furthermore, Okomoto teaches that the search is initiated by the second communication component that ***includes*** the software.

In contrast, the communication components in Applicant's network do not all include the software. Hence, Applicant's search facilitates finding the communication component that provides the service. Moreover, Applicants' second communication component which initiates the search ***does not include*** the software.

Additionally, in Office Action, the Examiner withdrew the rejection that Baratti's License server is Applicants' communication component ***running the software*** to be transferred. Therefore, for the same reason that the Examiner withdrew the rejection, Baratti would not search for the server running the software which is later transferred because Baratti's server does

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not run the software let alone transfer the software. Therefore, Baratti does not teach or suggest initiating a search for the communication component that provides the service by running the software.

For the forgoing reasons, Applicants' respectfully submit that claims 32 is patentable. Dependent claims 33, 34 are also patentable at least from their dependency from claim 32 as well as based on their own merit.

Claim 35:

Claim 35 recites:

"sending a message from the second component to the first communication component, the message requesting the first communication component for an information identifying a hardware resource required for use by the software in order to provide the service; receiving, by the second communication component from the first communication component, a response message having the information identifying the hardware resource;

This limitation is not taught or suggested by Baratti or Okamoto. Therefore, since the Examiner established a prima facie case of obviousness (MPEP 2143.01), the rejection must fail.

In more detail, instead of identifying the above limitation, the Examiner identifies a user PC which provides processors that can run resources, e.g. software in the prior art. A hardware resource (processor) cannot be reasonably interpreted as Applicants' "sending a message ... requesting the first communication component for an information identifying a hardware resource" let alone "receiving by the second communication component ... a response message having the information identifying the hardware resource". Applicant's sending and receiving facilitates a check that the second communication component has the hardware to use the software.

For the forgoing reasons, Applicants' respectfully submit that claims 35 is patentable. Dependent claims 36-39, 42-43 are also patentable at least from their dependency from claim 35 as well as based on their own merit.

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Claims 12 and 34:

Claims 12 and 34 recite:

“the software is automatically *uninstalled* in the second communication component”

The Examiner correctly reads Baratti as essentially deactivating a program by taking back the license. Additionally, the Examiner correctly points out that an uninstall of the software would cause the software to have to be transferred again to the second communication component when needed by the second communication component. However, the Examiner apparently interprets claims 12 and 34 as the software is automatically essentially deactivated because the Examiner feels it would be cumbersome to uninstall the program as claimed by the Applicant; MPEP 2111.01 states:

The words of the claim must be given their “plain meaning” unless ****>** such meaning is inconsistent with **<** the specification.

Applicants’ Specification (see e.g. last 2 sentences in para 0037) supports the plain meaning of uninstalled – “*free up storage space again for other installable resources*”. Thus, “uninstalled” is consistent with the specification and “uninstalled” must be interpreted as uninstalled and not essentially deactivated. Therefore, since the Examiner has not established a prima facie case of obviousness, the rejection must fail.

New Claims:

Dependent 40-43 further define the scope of the invention. In view of the foregoing remarks regarding independent claims 32 and 35, Applicant respectfully submits that claims 40-43 are patentable and request allowance of claims 40-43.

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Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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ABSTRACT

In one aspect, a method is provided for providing resources provided in a first communication component to a second communication component, the components in a packet-switched communication networks. The resources being provided by software which runs on the communication components and which accesses the hardware of the communication components. A service examines the hardware of at least one of the communication components in order to determine whether a resource can be provided by a software on said communication component. If the result is positive, the resource-specific software is transmitted to the communication component and provides the resource to be used.